

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ERIC STEPHEN FREEZE,

Plaintiff,

Case No. 2:23-cv-01135-JLR

DECLARATION OF PAUL W. TAYLOR
IN SUPPORT OF DEFENDANTS'
MOTION TO DISMISS

ELIZABETH E. GALLAGHER, JOSE T.
ACUNA, ANN G. FREEZE REVOCABLE
TRUST, RONALD L. FREEZE
REVOCABLE TRUST, JAMES
MASSINGALE and ANGELA
MASSINGALE

Defendants.

I, Paul W. Taylor, declare under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. That I am a resident of the State of Washington, over the age of 18 years, and not a party to this action; and attorney for the Defendants in this action, except Jose Acuna.
2. That I have personal knowledge of the facts set forth in this declaration and am competent to testify as to the matters stated herein.
3. I was first admitted to the practice of law in Arizona in 1980 after graduating from Arizona State University College of Law. At the time of my admission, I was an

active-duty captain in the United States Air Force, assigned to the Office of the U.S. Air Force Judge Advocate General, where I served for seventeen years both on active duty and as a reservist, until I retired as a full Colonel (O-6) in 2001.

4. I was admitted to practice of law in the State of Washington in 1984 and have practiced continuously in the State of Washington since 1986. (WSBA No. 13945). I have been admitted to the bars of the United States District Courts for the Eastern and Western Districts of Washington (1985), the United States District Courts of Arizona (1980) and Hawaii (1985), and the United States Court of Military Appeals (1981). For business purposes, I resigned from the Arizona (admitted 1980) and Hawaii Bar Associations (admitted 1985) in 2003 when it became apparent that I was not going to practice in those jurisdictions.

5. My solo general practice emphasizes real estate, land use, business formation, and general civil litigation. I served as an active-duty judge advocate for the United States Air Force from 1980 through August of 1986 and served as a reserve Staff Judge Advocate from 1986 through April of 1997. From 1982 through 1986, I served as Circuit Trial Counsel for the USAF Judiciary, Fifth Circuit, and lead prosecutor involving major felonies which occurred at 20 Air Force Bases in the western United States. I personally tried over two hundred cases tried to a military jury, including such crimes as murder, child molestation, theft and rape. Since entering civilian practice in 1986, I have tried nearly 100 cases in both the federal and states courts. Over the past twenty-some years, I have significantly limited my involvement in the federal courts due to an increase of state cases in my practice and family obligations.

6. I became involved representing the Freeze Revocable Trusts in the fall of 2022 having been referred by a Seattle attorney to file the case, if necessary, in Skagit County Superior Court if the Plaintiff refused to vacate the property located at 47972 and 47996 Moen Road, Concrete, Washington ("the Property"). The Trusts needed to sell the Property to meet increasing health care expenses of the beneficiaries, grandparents of the Plaintiff. Despite numerous demands the Plaintiff refused to vacate the Property forcing the Revocable Trusts, through their Trustee Daughter, Elizabeth Gallagher, to file a lawsuit. A lawsuit was filed in Skagit County Superior Court under Cause No. 22-2-00163-29. Despite Eric Freeze's unsupported claims of ownership and frivolous claims of having an equitable interest in the Property, the Superior Court Judge quieted title to the Property in favor of Defendants Ann G. Freeze Revocable Trust and Ronald Freeze Revocable Trust who were represented in that action by their Trustee, Elizabeth E. Gallagher by me, their attorney. In addition, the Plaintiffs in that were awarded sanctions against Eric Freeze for filing frivolous motions and awarded nearly \$100,000.00 in damages. Mr. Freeze has not paid a dime to the Trusts or Trustee either in payment of the sanctions nor has paid anything on the damage award.

8. After the thirty-day period to appeal the Court's decision and Judgment, Plaintiff then filed a complaint in the United States District Court, Western District against Defendants herein the Ann G. Freeze Revocable Trust, the Ronald Freeze Revocable Trust, Elizabeth Gallagher, the Trustee of both her parents' revocable trusts, and Mr. Acuna. In addition, he named me as a Defendant, who represented the Defendants named in the foregoing sentence, except Mr. Acuna. Additionally, he named the Skagit County Sheriff Don McDermott, Skagit County Commissioner Lisa Janicki, and Skagit County as

Defendants. Upon a Motion to Dismiss by all Defendants, the case filed under Case No.

2:22-cv-01844-JLR was dismissed with prejudice without leave to amend pursuant to

5/23/23 Order (Dkt #27); 7/13/23 Order (Dkt #53); 7/28/23 Order (Dkt #64).

9. Plaintiff falsely claims he owns the Property based upon a fantastic theory that he was born on the Property. Despite many unsupported theories of ownership to the Property, Eric Freeze's claims of ownership were rejected by the Skagit County Superior Court Judge and the Court definitively and unequivocally quieted title in the Freeze Revocable Trusts as administered by the Trustee, Elizabeth Gallagher. Eric Freeze's appeal to Division One of the Washington Appellate Court was dismissed on September 8, 2023.

10. The current complaint basically involves the same claims made in the previous federal case with the exception of adding Defendants James and Angela Massingale who purchased the Property from the Freeze Revocable Trusts in the Fall of 2023.

11. On 10/19/2023, the sale of the Property to the Defendants Massingale was closed. The Property was sold to an adjacent landowner, Defendants' Massingale, for \$302,000.00 well over one hundred thousand dollars less than the original listing price before the state lawsuit was filed against Plaintiff Eric Freeze.

12. Although I charge my regular rate \$400.00 per hour for the Superior Court action, I did not charge the Revocable Trusts nor Ms. Gallagher for my time in defending the first federal case, Case No. C22-1844JLR, filed by Eric Freeze. The reason I represented them *pro bono* was because I was also named a Defendant and did not believe it was fair or just to charge innocent elderly persons with limited funds to defend a frivolous lawsuit. I only charged for out-of-pocket costs, which were minimal.

13. After the Massingale's purchased the Property, and the Plaintiff began harassing them and filed the current lawsuit. I am representing all the Defendants, except Mr. Acuna, *pro bono* because, once again, as I do not believe it is fair for them to pay to get a frivolous lawsuit dismissed.

14. I met with Eric Freeze person-to-person outside of Skagit County Superior Courtroom approximately a half-dozen times. Additionally, I had a number of phone calls with him concerning the Superior Court and Federal cases. In those phone calls and in my person-to-person meetings with him on the Property, on at least four different occasions, while he was removing his numerous abandoned and unlicensed vehicles from the Property, he advised me that he was not computer literate and desired to be mailed all pleadings and correspondence. I requested reciprocal electronic service and he said first class mail was the only thing with which he would agree. I realize this has nothing to do with Eric Freeze's claims, but it is relevant to other issues in the case, including but not limited to the award of sanctions.

15. In my interactions with him, I have observed that he clearly does not have the experience, education, of basic intelligence to research, prepare, and author the pleadings he has filed in state and federal courts. Even though he claims he is *pro se* Plaintiff, he is obviously receiving assistance from third parties, who are not attorneys. The Plaintiff herein was accompanied to the state court hearings by an individual named, Kevin Ewing, who aspires to be the Constitutional Sheriff of Skagit County. His website: <https://sheriffconstitutional.com/contact-us/> contains a link to a Florida Attorney, Frederick Graves, who advertises "How to Win in Court Without A lawyer". His website is: <https://www.howtowinincourt.com>. He is not licensed to practice law in the state of

Washington. Mr. Ewing's website is also paired with a website:

1 <https://sheriffconstitutional.com/skagit-peers-who-are-they/> . Based upon my review of
2 the above websites and the number and types of cases filed in the state and federal courts
3 by members of this group of people, it is clear that the members have an agenda to cause
4 the Defendants as named in this and the previous lawsuits time and money without any
5 legal basis.

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7 16. As a solo practitioner in a relatively small community, I have very few options by
8 which I can prevent an individual, who has assistance, from continuing to file frivolous
9 lawsuits. Therefore, I am requesting this Court, in its discretion, by a separate motion
10 which was duly served on the Plaintiff accordance with FRCP 11 to impose significant
11 sanctions and/or restrictions to prevent further meritless filings by Eric Freeze.

12 17. **Explanation of my delaying in attempting to dismiss this current case.** In
13 February 2023, prior to leaving on a vacation, I injured myself lifted and experienced pain
14 in my right groin. The pain became progressively worse and prevented me from taking part
15 in any physical activities and interrupted my sleep pattern. I consulted my primary
16 physician and an orthopedic surgeon. An MRI in June 2023 indicated that I had moderate
17 to severe osteoarthritis in both my hips which necessitated hip replacement surgery. In
18 July, 2023, my right hip replacement surgery was scheduled for November 29, 2023.
19 Because of surgeon's and my schedules, it was the first date available.
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21
22 18. My hip pain progressively increased that by September, 2023, my sleep pattern
23 was so disrupted that it significantly impacted my ability to work.

24 19. My primary physician, Dr. Ryan Guanzon, placed me on medical leave beginning
25 September 20, 2023, and finally extended through March 28, 2024. Dr. Guanzon stated,

1 “In my medical opinion his (Mr. Taylor’s) medical conditions and their effect on his
2 overall function would constitute a disability under the A.D.A”. My November 29, 2023,
3 right hip replacement surgery was successful and I was able to fully recover from my right
4 hip replacement surgery and finished rehabilitation in the first week of January 2024. By
5 now I was experiencing increasing left groin pain which necessitated replacement surgery
6 for my left hip on Valentines’ Day, February 14th, 2024. I am currently in rehabilitation
7 and expect to be released by the end of the month.

8 20. I am also being currently treated for sleep apnea which is helping considerably.

9 21. On February 5, 2024 I had a phone conversation with Plaintiff Eric Freeze about
10 the Status Report. I informed him of my condition and that I was scheduled for surgery the
11 following week. I requested we agree to delay the filing of the required Status Report until
12 the end of March 2024. He agreed orally and we agreed to inform the Court of that. After
13 my operation on March 14th, I was on pain meds much longer from my first hip
14 replacement surgery than my first and did not come off the meds until Sunday, February
15 25th. In the interim, Plaintiff Freeze filed a Motion to Disqualify me and a Motion for
16 Default. Then I discovered that he was disingenuous and that he was attempting to take
17 advantage of my temporary disability. Because of his lack of knowledge of the federal
18 rules, and that of whomever is helping him, the Plaintiff did not supply any admissible
19 evidence to support his baseless allegations and the Court properly dismissed his Motions.
20

21 22. I have practiced law (mostly litigation) for over 43 years, and have never missed,
22 a deadline in my entire career. I do not have a staff and I work out of my home. I have not
23 taken any new cases from June, 2023, through the end of March, 2024. I have been able to
24 find other attorneys for most of my litigation cases, but because I am representing these
25

Defendants *pro bono* in federal court makes finding an attorney to associate with impossible.

23. Therefore, I did not respond to the Court's Order to Show Cause by March 21, 2024. I do appreciate the time as it has taken days for me to prepare these responsive pleadings.

24. Based upon information and belief, Mr. Acuna cannot afford an attorney, and I can't represent him because of a conflict of interest. He will likely to join my clients in their Motion to Dismiss.

25. Based upon information and belief, Mr. Acuna has obtained a Protection Order against the Plaintiff to prevent his continuing harassment which mostly consists of threats not to trespass on what he continues to claim as his property. The Massengale's have received notice from the Plaintiff to cease and desist coming onto what he still claims to be his property. On several occasions they have had to call the Skagit Couty Sheriff's Office to complain of Eric Freeze's trespass on what is now their Property.

26. I request the Court take Judicial Notice of the following attached Exhibits which are true and correct copies of the originals filed with my Declaration in Support of Sanctions (Dkt # 60).

Exhibit 1: Complaint for Quiet Title: Skagit County Superior Court Cause No. 22-2-00163-29

Exhibit 2: Order: Granting Summary Judgment to Plaintiffs, Skagit County Superior Court Cause No. 22-2-00163-29

Exhibit 3: Order: Plaintiffs' Motin for Determination of Damages and Amount of Supersedeas Bond, Skagit County Superior Court Cause no. 22-2-00163-29

**Exhibit 4: Mandate: Court of Appeals for the State of Washington, No. 842544-1
terminating review of Eric Freeze appeal of decision dated September
8, 2023**

**Exhibit 5: Order: United States District Court Case No. C22-1844JLR DKT #64 filed
7/28/23 dismissing Eric Freeze's Complaint with prejudice and
without leave to amend**

**Exhibit 6: Statutory Warranty Deed: Freeze Revocable Trusts to Massingale dated
8/23/23**

Exhibit 7: Death Certificate of Ronald Freeze date of death: September 19, 2023.

I certify under penalty of perjury as defined under the laws of the State of Washington that
the foregoing is true and correct.

Executed in Mount Vernon, Washington the 28th day of June 2024.



Paul W. Taylor, WSBA No. 13945
Attorneys for all Defendants, except Acuna